

INSOLVENT DEBTORS OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

*A Report, prepared in compliance with the eighth section of the Act of 2d March, 1831, for the Relief of certain Insolvent Debtors of the United States.*

JANUARY 26, 1833.

Referred to the Committee on the Judiciary.

TREASURY DEPARTMENT,

25th January, 1833.

SIR: In compliance with the eighth section of the act of Congress, entitled "An act for the relief of certain insolvent debtors of the United States," approved March 2d, 1831, I have the honor to transmit the accompanying report. A copy of the instruction of this department, of 27th July, 1832, made necessary by the additional act of the 14th of that month, is also transmitted.

I am, respectfully,

Your obedient servant,

LOUIS McLANE,

Secretary of the Treasury.

The Hon. PRESIDENT of the Senate U. S.

*A Report in compliance with the eighth section of the act of Congress, approved March 2d, 1831, entitled "An act for the relief of certain insolvent debtors of the United States."*

Names of Applicants.	Nature of debt.	Principal.	Surety.	Amount.	How disposed of. No.
Jno. C. & Wm. H. Smith	c. h. bonds	principal and	surety	\$131,703 03	See No. 1
Edward Dorr -	do do	-	surety	75,000 00	" 2
Nathaniel B. Rix -	do do	-	surety	1,300 00	" 3
John Haslet -	do do	principal	-	5,473 70	" 4
Thomas & R. Newell -	do do	principal	-	840 53	" 5
Halsey Healy -	do do	principal	-	1,000 00	" 6
John G. Bailey -	do do	principal and	surety	47,155 07	" 7
Gideon Lane -	do do	-	surety	2,788 30	" 8
James A. G. Otis -	do do	principal	-	7,213 77	" 9
Samuel Lord -	do do	-	surety	2,871 18	" 10
Francis Thompson -	do do	principal and	surety	33,002 50	" 11
David Cluney -	do do	-	surety	289 16	" 12
Richard W. Wells -	do do	principal and	surety	75,890 33	" 13
Nathaniel H. Olmstead -	do do	principal and	surety	-	" 14
Gorham Davenport -	do do	-	surety	2,500 00	" 15
Israel P. Pleasants -	do do	principal and	surety	5,449 25	" 16
Benjamin F. Johnson -	do do	-	-	18,650 60	" 17
Richard Oakford	do do	principal and	surety	583,698 03	" 18
Isaac C. Jones -					
Samuel T. Jones					
William Foster -	do do	-	surety	13,451 20	" 19
Ebenezer Dorr -	do do	-	surety	37,000 00	" 20
William Bogart -	do do	-	surety	6,000 00	" 21
Francis Haudlett -	do do	-	surety	6,001 00	" 22
Felix Peltier -	do do	principal and	surety	96,125 98	" 23
John T. Gleason -	do do	principal	-	1,300 00	" 24
John Stouffer -	do do	-	surety	6,714 70	" 25
Jonah Thompson -	do do	-	sole surety	10,585 43	" 26
Joseph B. Henshaw -	do do	-	surety	1,836 80	" 27
William L. Hodge -	do do	principal	-	39,500 00	" 28
Thomas Saunders -	do do	-	surety	2,000 00	" 29
William Tyack -	do do	-	surety	675 40	" 30
John Clarke -	do do	-	surety	19,916 77	" 31
Dominick Lynch -	do do	principal	-	57,888 62	" 32
William Ropes -	do do	principal	-	15,000 00	" 33
Joseph Lopes Dias -	do do	-	surety	5,937 00	" 34
William Price -	-	-	-	6,200 00	" 35
Nathaniel Mitchel -	do do	principal	-	1,600 00	" 36
Nicholas Patrullo -	do do	principal and	surety	14,582 58	" 37
Stephen J. Thompson -	do do	-	sole surety	3,350 00	" 38
Charles Callaghan -	do do	principal	-	6,007 81	" 39
Henry Toland -	do do	principal and	surety	169,222 04	" 40
Samuel N. Judah -	do do	principal	-	4,534 95	" 41
John Shellman -	do do	principal	-	1,588 84	" 43
John Spring -	surety on an official bond	-	-	2,000 00	" 44
Stephen Peck -	c. h. bond	-	surety	2,977 20	" 45
Jeremiah Draper -	do do	principal	-	1,600 00	" 46
John Doughty -	do do	principal	-	4,430 77	" 47
N. Ellenwood Dane -	do do	principal	-	3,459 00	" 42

## RECAPITULATION.

Before commissioners of insolvency	-	-	-	24 cases
Discharged unconditionally	-	-	-	2
Discharged upon condition	-	-	-	7
Awaiting a report	-	-	-	1
Awaiting the return of a commission for the examination of a witness	-	-	-	1
Returned to commissioners for further investigation	-	-	-	1
Applications returned for amendment	-	-	-	2
Decision reconsidered and affirmed	-	-	-	1
No supplement filed	-	-	-	3
Discharged upon condition; not complied with; and proceedings authorized before vice chancellor, New York	-	-	-	1
Discharged upon condition, and not complied with	-	-	-	1
Decided against	-	-	-	3
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				Total 47
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- No. 1. The Secretary of the Treasury having reconsidered this case, upon the prayer of the applicant, decided that there was nothing (no new facts being presented) in it, or in the additional act of Congress of July 14th last, for the relief of certain insolvent debtors of the United States, to vary his decision heretofore made therein.
- No. 2. Application before commissioners; instruction to insolvents of July 27th sent to applicant, who has filed no supplement.
- No. 3. In the same state as No. 2.
- No. 4. John Haslett discharged 31st October, 1832, upon condition that nothing contained in the release shall be taken or considered as a discharge of his assignees from any liability they may have incurred to the United States for his debts thereto, under and by virtue of the sixty-fifth section of the act of Congress, entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2d, 1799;—one of his sureties having filed his consent to the discharge of the said John, and the other having been proved to be insolvent, and entitled to the benefits of the said acts, as he is entitled.
- No. 5. The Secretary of the Treasury decided, on the 21st of August, 1832, that T. & R. Newell were not entitled to be discharged.
- No. 6. Report received and filed; instruction of 27th July last sent to applicant, who has filed no supplement.
- No. 7. The Secretary of the Treasury decided, on the 20th of December, 1832, to grant John G. Bailey a discharge from his debts to the Government, upon condition that he secure to the United States the value of the house in his possession, No. 28 Varick street, in the city of New York, over and above the mortgages thereon, and also the reasonable value of the furniture which he assigned and transferred to Frederick A. Tracy, of said city, pending his application for a release from the said debt; and the said John G. Bailey has subsequently informed the department that he is unable to comply with this condition.

- No. 8. Supplemental application filed 28th August, 1832, and before commissioners.
- No. 9. Discharged 9th January, 1833, upon condition that John Fairfield and Samuel M. Holland, his sureties, file, with the Secretary of the Treasury, respectively, their consent, in writing, that the privileges of the acts of Congress, for the relief of certain insolvent debtors of the United States, approved March 2d, 1831, and 14th July, 1832, may be extended to the said J. A. G. Otis, their principal, without prejudice to their liability.
- No. 10. September 3d, 1832, the Secretary of the Treasury decided that Samuel Lord was not entitled to a discharge from his debts due the Government.
- No. 11. Report received and filed; instruction of the department of July 27th, 1832, was transmitted. No supplement filed.
- No. 12. Application before commissioners; instruction of 27th July, 1832, transmitted. No supplement filed.
- No. 13. Supplementary application filed 1st September, 1832, before commissioners.
- No. 14. Application received 27th May, 1831, filed, and said Olmstead requested to supply the defects thereof; instruction of July 27th, 1832, sent. No supplement received.
- No. 15. Before the commissioners; instructions of July 27th, 1832, sent. No supplement received.
- No. 16. Report received and filed; sent instructions of 27th July, 1832, and no supplement filed.
- No. 17. Before commissioners; instructions sent of July 27th, 1832, and no supplement filed.
- No. 18. Reports received upon the application of Richard Oakford and Isaac C. Jones; and the case awaits the report on the application of Samuel T. Jones.
- No. 19. Discharged the 22d of January, 1833, upon condition that the said William Foster shall assign, transfer, and secure to the United States, in manner to be approved by the attorney of the United States for the eastern district of Pennsylvania, all and each of the debenture certificates he holds, or which may be held for him, and also six acres of cedar swamp, to him appertaining and belonging, and situated in Burlington county, in the State of New Jersey; the co-surety of the said William having filed, with the Secretary of the Treasury, his consent to his discharge.
- No. 20. Discharged 9th January, 1833, upon condition that his co-surety, Edward Dorr, file, with the Secretary of the Treasury, his consent, in writing, that the privilege of the aforesaid acts may be extended to the said Ebenezer Dorr, his principal, without prejudice to his liability.
- No. 21. Instruction 27th July, 1832, sent; supplement filed 18th September, 1832, before commissioners.
- No. 22. Instruction 27th July, 1832, sent; supplement filed 20th October, 1832, before commissioners.
- No. 23. Instruction of 27th of July, 1832, sent; supplement filed 9th August, 1832. Additional report received October 20th, 1832, and the case awaits the return of a commission which has been sent



to the district attorney of the United States for the district of Ohio, to take the testimony of John Montagnier, alleged, by the district attorney of the United States for the southern district of New York, to be material.

No. 24. Before commissioners; instruction of the 27th July, 1832, sent. No supplement filed.

No. 25. Discharged the 7th day of September, 1832, upon condition that the said John Stouffer shall cause, or procure to be assigned or conveyed to the United States, by instrument, to be approved by the attorney of the United States for the district of Maryland, a certain equity of redemption in one undivided half part of a house and lot of ground, No. 25, situated on north Howard street, in the city of Baltimore, and in one house and lot, No. 15, situated in north Eutaw street, in said city, which were mortgaged by the said John Stouffer, on the 28th July, 1827, to the Farmers' and Commercial Bank of Baltimore, for the sum of \$9,000. The co-surety, Joseph H. Sands, ascertained to have been a minor when he signed, with said John, the bonds whereon his liability to the United States arose.

No. 26. Discharged 13th December, 1832, on condition that the said Jonah Thompson shall assign, transfer, convey, and assure to the United States, by instrument of writing, to be approved by the district attorney of the United States for the eastern district of Pennsylvania, all his right, title, interest, claim, and demand, of, in, and to certain real estate that to him appertains or belongs, or may appertain or belong, situate in the State of New Jersey; that is to say: a house and tract of land containing fifty-seven acres, lying and being in Salem county, and a house and farm of five hundred acres, lying and being in Cumberland county, in said State: provided, however, and is hereby declared that nothing herein shall be, or be taken, construed, or considered, as a release or discharge of the assignees of the said Jonah from any liability they may have incurred to the United States for his debts thereto, under and by virtue of the sixty-fifth section of the act of Congress, entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2d, 1799; he being the sole surety in the bonds to the United States, on which his indebtedness thereto arose.

No. 27. Instruction of 27th July, 1832, sent; supplemental application filed 26th September, 1832; 26th October, 1832, report of commissioners received; 11th January, 1833, case returned to commissioners that further investigation might be had thereon, and is now before the commissioners.

No. 28. Discharged with the proviso that nothing in the release contained shall be, or be taken, considered, or construed to be a release or discharge of the assignees of the said William L. Hodge from any liability they may have incurred to the United States, for his debt to the same, under and by virtue of the sixty-fifth section of the act of Congress, entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2d, 1799. The surety and co-obligor of the said William having filed his consent, with the Secretary of the Treasury, to his discharge.

- No. 29. Report of commissioners received 28th April, 1832; instruction of 27th July, 1832, sent. No supplement filed.
- No. 30. Before commissioners on the original application; sent instructions of July 27th, 1832. No supplement filed.
- No. 31. The same as in No. 30.
- No. 32. Discharged the 8th day of September, 1832, upon condition that he, the said Dominick Lynch, shall convey, for the use of the United States, by a sufficient instrument, to be approved of by the district attorney of the United States for the southern district of New York, all his interest in the property assigned by the said Dominick, on the third day of May, 1826, to a certain John Hone, of said city, for the use of the United States, to the trustee thereof heretofore appointed by the court of chancery of the said State for the United States. Of the sureties of the said Dominick, one was required to give his consent in writing, to his discharge; and the other, it appeared, was dead, insolvent, and unrepresented.
- No. 33. Before the commissioners; instruction of 27th July last sent. No supplement filed.
- No. 34. Discharged the 1st day of November, 1832, upon condition, first, that Lewis A. Brunell, his co-surety, file, with the Secretary of the Treasury, his consent, in writing, to the discharge of the said Joseph, without prejudice to his liability; second, that the said Joseph, and Sophia his wife (formerly Sophia Hamilton) convey, in trust, to the district attorney of the United States for the southern district of New York, by an instrument by him to be approved, for the use of the United States, all their right, title, interest, claim, and demand, or the right, title, interest, claim, or demand, of either of them, of, in, and to the real estate of the said Joseph, situated, lying, and being in the city of New York aforesaid, or elsewhere, in such manner as that all the rights and liens acquired by the United States, by the rendition of their judgments against him, shall be fully preserved and secured; third, that the said Joseph assign and secure to the trustee aforesaid, for the use aforesaid, his claim under the eleventh article of the treaty concluded on the 22d day of February, 1819, between the United States and his Catholic Majesty; and his claim against a certain Dominick Crassous, which is, or was depending in the court of chancery of said State, or so much of said claims as may be sufficient to pay and satisfy his aforesaid debts. Condition not complied with, and district attorney for the district of New York authorized to unite with applicant, before the vice chancellor of New York, in an amicable proceeding, to ascertain whether Sophia, his wife, had any right, and what, under a certain marriage contract, at the time of the rendition of the judgments in favor of the United States against said Dias.
- No. 35. Application defective, and returned for amendment; instruction of July 27th, 1832, sent. No supplement filed.
- No. 36. Before commissioners; instructions of 27th July, 1832, sent. No supplement filed.
- No. 37. Before commissioners; instructions of July 27th, 1832, sent; and supplement filed.

- No. 38. Discharged 20th of September, 1832, unconditionally.
- No. 39. Discharged 10th of December, 1832, unconditionally—Andrew Curcier, his sole surety, having filed his consent with the Secretary of the Treasury to the discharge of the applicant.
- No. 40. Before commissioners.
- No. 41. If not satisfactorily appearing, from the report of the commissioners of insolvency, that Samuel N Judah is unable to pay his debts to the United States, the Secretary of the Treasury, on the 15th of October, 1832, decided that his case was not a proper one for the interposition of the department.
- No. 42. Before the commissioners.
- No. 43. As above.
- No. 44. As above.
- No. 45. As above.
- No. 46. As above.
- No. 47. As above.

LOUIS McLANE,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT,  
25th January, 1833.

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TREASURY DEPARTMENT,

July 27th, 1832.

The "Act in addition to an act entitled 'An act for the relief of certain insolvent debtors of the United States,'" having extended the provisions of the last mentioned act to "every person who was a debtor to the United States on the first day of January, 1831, in any sum which he is unable to pay, unless such person be indebted as the principal in an official bond, or for public money received by him, and not paid over or accounted for according to law, or for any fine, forfeiture, or penalty incurred by the violation of any law of the United States;" all such persons intending to apply for the benefit of the aforesaid acts, are hereby notified—that applications for a release or discharge under the same must be made in writing, under oath or affirmation, and forwarded to the Secretary of the Treasury, stating, as near as may be, the time when the applicant became insolvent, and when he made his insolvency known to his creditors; the causes of such insolvency, and the amount thereof; and, also, all the estate, real and personal, owned at the time of such insolvency, with a description of the same; and, also, the manner in which such estate has been disposed of, that is to say, by furnishing a list of the insolvent's creditors at the time of his insolvency, with the amount then due to each; the sums since paid, and the balances still remaining due to them respectively; also the sums since paid, and balances remaining due to other persons not creditors at the time aforesaid; and what estate or property, if any, owned at the time of his becoming insolvent, or which he has since acquired a right to, has been conveyed or transferred to any other person, with intent to be applied, directly or indirectly, to the use or benefit of such insolvent or his family; and, also, a statement of all the

estate, if any, and the disposition and condition thereof, which he has since owned, or still owns.

He will be also required to state how, and in what manner, and to what amount he is indebted to the United States; and, if the debt be on duty or other bonds, whether he is principal or surety, and the names of his co-obligors, whether principal or sureties. A particular list or schedule of the bonds should be annexed to the application.

Each applicant, where a principal debtor, will be required further to state, as far as he knows the same, whether his sureties are unable to pay the debt due by him to the United States, and are entitled to the provisions of said act in like manner as he shall be entitled. It will be also proper that he should state whether the said sureties are willing to file their consent in writing with the Secretary of the Treasury, that the privileges of the aforesaid acts may be extended to their principal, without any prejudice to their liability. Where the applicant is a surety, he will be required to make these statements as to his co-surety.

It may be observed, that the statements aforesaid should be confined exclusively to facts, and arranged in as simple and intelligible a form as possible.

The applications which have heretofore been made to the department for the benefit of the act of March 2d, 1831, and not finally disposed of, will be again taken up, and supplementary statements, where proper, will be required; and, when received, the cases will be transmitted for further examination by the commissioners.

LOUIS McLANE,  
*Secretary of the Treasury.*